

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)***(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.  
(Z)01049 P US

Total Pages in this Submission

**TO THE COMMISSIONER FOR PATENTS**Mail Stop Patent Application  
P.O. Box 1450  
Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

Binoculars, Particularly Pocket Binoculars

and invented by:

Luthardt et al

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: PCT/EP02/04568

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

**Application Elements**

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having \_\_\_\_\_ 11 \_\_\_\_\_ pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☒ Cross References to Related Applications *(if applicable)*
  - c. ☒ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
  - d. ☒ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings *(if filed)*
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

17497 U.S. PTG  
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**Application Elements (Continued)**

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☒ Formal                      Number of Sheets 4
- b. ☐ Informal                      Number of Sheets \_\_\_\_\_
4. ☒ Oath or Declaration
- a. ☐ Newly executed *(original or copy)*                      ☒ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☒ With Power of Attorney                      ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under  
Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby  
incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☐ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Computer Readable Form (CRF)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

9. ☐ Assignment Papers *(cover sheet & document(s))*
10. ☐ 37 CFR 3.73(B) Statement *(when there is an assignee)*
11. ☐ English Translation Document *(if applicable)*
12. ☐ Information Disclosure Statement/PTO-1449                      ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. ☒ Certificate of Mailing
- ☐ First Class                      ☒ Express Mail *(Specify Label No.):* ER 210870364 US

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**Accompanying Application Parts (Continued)**

17. ☒ Additional Enclosures *(please identify below)*:

General Authorization to Charge Fees  
PTO 2038 authorizing charging a credit card for the filing fee

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

18. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

***Warning***

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

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**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Larg Entity)***Only for new nonprovisional applications under 37 CFR 1.53(b)*Docket No.  
(Z) 01049 P US

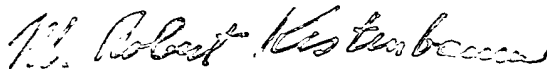
Total Pages in this Submission

**Fee Calculation and Transmittal****CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	13	- 20 =	0	x \$18.00	\$0.00
Indep. Claims	1	- 3 =	0	x \$84.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$770.00
OTHER FEE (specify purpose) _____					
TOTAL FILING FEE					\$770.00

☒ A <sup>PTO -</sup>2033 n the amount of \$770.00 to cover the filing fee is enclosed.☐ The Director is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below.

- ☐ Charge the amount of \_\_\_\_\_ as filing fee.
- ☐ Credit any overpayment.
- ☐ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).



Signature

M. Robert Kestenbaum  
Reg. No. 20,430  
11011 Bermuda Dunes NE  
Albuquerque, NM USA 87111  
Phone (505) 323-0771  
Fax (505) 323-0865

Dated: October 27, 2003

cc:

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re: Continuing Application of PCT/EP02/04568  
Filed 25 April 2002  
Title Binoculars, Particularly Pocket Binoculars  
Applicant Luthardt et al.  
Attorney Docket (Z) 01049 P US

Mail Stop Patent Application  
PO Box 1450  
Commissioner for Patents  
Alexandria, Va. 22313-1450

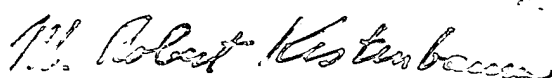
**General Authorization to Charge Fees**

Dear Sir or Madam:

In accordance with Rule 1.136 (a) (3), please charge additional required fees which come due with respect to this application, including extension fees, and credit any overpayments to Deposit Account 11-0665. A duplicate of this page is enclosed for this purpose.

Also, please provide extensions of time as required for timely receipt of concurrent or future correspondence and other documents submitted in this application and charge the appropriate extension fees to Deposit Account 11-0665.

Respectfully submitted,



M. Robert Kestenbaum  
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Luthardt et al  
(Z) 01049 PUS  
October 27, 2003

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Luthardt et al.

Docket No.

(Z) 01049 P US

Serial No.

NEW

Filing Date

October 27, 2003

Examiner

N/A

Group Art Unit

N/A

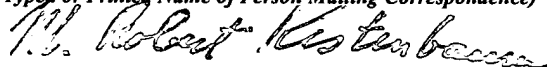
Invention: Binoculars, Particularly Pocket Binoculars

I hereby certify that the following correspondence:

Continuation Application of International Patent Application PCT/EP02/04568 filed 25 April 2002, claiming priority of German patent applications 101 21 075.2 filed 27 April 2001 and 101 53 167.2 filed 27 October 2001.

*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

October 27, 2003*(Date)*M. Robert Kestenbaum*(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)*

ER210870364US

ER 210870364 US*("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**